

Exchange Mail

DATE-TIME 12/10/98 6:59:27 PM

FROM Wozniak, Natalie S.

CLASSIFICATION UNCLASSIFIED

SUBJECT Executive Order on Implementation of Human Rights Treaties
[UNCLASSIFIED]

TO

Abercrombie-Winstanley, Gina K.
Allen, Charles A.
Andreasen, Steven P.
Babbitt, James F.
Babcock, Douglas W.
Baker, James E.
Barks-Ruggles, Erica
Battenfield, Pat A.
Bell, Robert G.
Benjamin, Daniel
Black, Steven K.
Bolan, Christopher J.
Bouchard, Joseph F.
Boulton, Darrien D.
Braden, Susan R.
Brody, Richard J.
Brown, Keirn C.
Burrell, Christina L.
Caravelli, John M.
Curts, Brenda E.
Davidson, Leslie K.
Davies, Glyn T.
Dejban, Donna D.
Dimel, Marsha L.
Dobbins, James F.
Dowling, John N. (Nick)
Edwards, Joan K.
Elkind, Jonathan H.
Epstein, Gerald L.
Farrar, Jay C.
Fuerth, Leon S.
Hachigian, Nina L.
Harris, Elisa D.
Hawley, Leonard R.
Hendricks, Lori A.
Hilliard, Brenda I.
Hilty, Joanne M.
Hurley, C. Michael

Kelly, Sandra L.
Kerrick, Donald L.
Kinser-Kidane, Brenda J.
Knepper, Charlotte
Lee, Malcolm R.
MacDonald, Bruce W.
Marty, Joseph H.
McCarthy, Mary O.
McEldowney, Nancy E.
Merchant, Brian T.
Mereish, Kay A.
Meyer, Carl J.
Mitsler, Elaine M.
Naplan, Steven J.
O'Brien, Penelope R.
Orfini, Michael H.
Osius, Theodore G.
Prendergast, John P.
Quinn, Mary E.
Roberts, Michael W.
Rosa, Frederick M.
Rosshirt, Thomas M.
Rudman, Mara E.
Sandalow, David B.
Sanders, Robin R.
Sapiro, Miriam E.
Sherman, David J.
Sutphen, Mona K.
vonLipsey, Roderick K.
Wasserman, Elaine P.
Wechsler, William F.
Wippman, David
Witkowsky, Anne A.
Woolston, Ann E.

CARBON_COPY**TEXT_BODY**

The document Executive Order on Implementation of Human Rights Treaties has been posted to the Press Release Public Folder.

Exchange Mail

DATE-TIME 12/10/98 6:59:31 PM
FROM Wozniak, Natalie S.
CLASSIFICATION UNCLASSIFIED
SUBJECT Executive Order on Implementation of Human Rights Treaties
[UNCLASSIFIED]
TO Crowley, Philip J.
Leavy, David C.
Wozniak, Natalie S.
@SPEECH - NSC Speechwriters
Blinken, Antony J.
Gobush, Matthew N.
Gray, Wendy E.
Halperin, David E.
Malinowski, Tomasz P.
Widmer, Edward L. (Ted)

CARBON_COPY

TEXT_BODY Executive Order/PD
Executive Order on Implementation of Human Rights
Treaties

TRANSLATED_ATTACHMENT

Human Right EO.doc
THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release December 10, 1998

EXECUTIVE ORDER

IMPLEMENTATION OF HUMAN RIGHTS TREATIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, and bearing in mind the obligations of the

United States pursuant to the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or

Degrading

Treatment or Punishment (CAT), the Convention on the Elimination of Forms of

Racial Discrimination (CERD), and other relevant treaties concerned with protection and promotion of human rights to which the United States is may

become a party in the future, it is hereby ordered as follows:

Section 1. Implementation of Human Rights Obligations. (a) It shall be policy and practice of the Government of the United States, being committed

to the protection and promotion of human rights and fundamental freedom to

respect and implement its obligations under the international human rights treaties to which it is a party, including the ICCPR, the CAT, and the CI

(b) It shall also be the policy and practice of the Government of the United States to promote respect for international human rights, both in our relationships with all other countries and by working with and strengthening the

various international mechanisms for the promotion of human rights, including

inter alia, those of the United Nations, the International Labor Organization and the Organization of American States.

Sec. 2. Responsibility of Executive Departments and Agencies. (a) All executive departments and agencies (as defined in 5 U.S.C. 101-105, including boards and commissions, and hereinafter referred to collectively as "agencies")

shall maintain a current awareness of United States international human rights obligations that are relevant to their functions and shall perform such functions so as to respect and implement those obligations fully. The head of each agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this order. Under this order, all such agencies shall retain their established institutional roles in the implementation, interpretation, and enforcement of Federal law and policy.

(b) The heads of agencies shall have lead responsibility, in coordination with other appropriate agencies, for questions concerning implementation of human rights obligations that fall within their respective operating and program responsibilities and authorities or, to the extent that matters do not fall within the operating and program responsibilities and authorities of any

that most closely relate to their general areas of concern.

Sec. 3. Human Rights Inquiries and Complaints. Each agency shall take responsibility, in coordination with other appropriate agencies, for responding to inquiries, requests for information, and complaints about violations of

human rights obligations that fall within its areas of responsibility or, if the matter

does not fall within its areas of responsibility, referring it to the appropriate agency for response.

Sec. 4. Interagency Working Group on Human Rights Treaties. (a) There is hereby established an Interagency Working Group on Human Rights Treaties for the purpose of providing guidance, oversight, and coordination with respect to questions concerning the adherence to and implementation of human rights obligations and related matters.

(b) The designee of the Assistant to the President for National Security Affairs shall chair the Interagency Working Group, which shall consist of appropriate policy and legal representatives at the Assistant Secretary level from the Department of State, the Department of Justice, the Department of Labor, the Department of Defense, the Joint Chiefs of Staff, and other agencies chair deems appropriate. The principal members may designate alternates to attend meetings in their stead.

(c) The principal functions of the Interagency Working Group shall include:

(i) coordinating the interagency review of any significant issues concerning the implementation of this order and analysis and recommendations in connection with pursuing the ratification of human rights treaties, as such questions from time to time arise;

(ii) coordinating the preparation of reports that are to be submitted by the United States in fulfillment of treaty obligations;

(iii) coordinating the responses of the United States Government to complaints against it concerning alleged human rights violations submitted to the United Nations, the Organization of American States, and other international organizations;

(iv) developing effective mechanisms to ensure that legislation proposed by the Administration is reviewed for conformity with international human rights obligations and that these obligations are taken into account in reviewing legislation under consideration by the Congress as well;

(v) developing recommended proposals and mechanisms for improving monitoring of the actions by the various States, Commonwealths, and territories of the United States and, where appropriate, of Native Americans and Federally recognized Indian tribes, including the review of State, Commonwealth, territorial laws for their conformity with relevant treaties, the provision of relevant information for reports and other monitoring purposes, and the promotion

of effective remedial mechanisms;

(vi) developing plans for public outreach and education concerning the provisions of the ICCPR, CAT, CERD, and other relevant treaties, and rights-related provisions of domestic law;

(vii) coordinating and directing an annual review of United States reservations, declarations, and understandings to human rights treaties, and matters as to which there have been non-trivial complaints or allegations of inconsistency with or breach of international human rights obligations, in order to determine whether there should be consideration of any modification of relevant reservations, declarations, and understandings to human rights treaties, or United States practices or laws. The results and recommendations of this review shall be reviewed by the head of each participating agency;

(viii) making such other recommendations as it shall deem appropriate to the President, through the Assistant to the President for National Security Affairs, concerning United States adherence to or implementation of human rights treaties and related matters; and

(ix) coordinating such other significant tasks in connection with human rights treaties or international human rights institutions, including the Inter-Agency Commission on Human Rights and the Special Rapporteurs and complaint procedures established by the United Nations Human Rights Commission.

(d) The work of the Interagency Working Group shall not supplant the work of other interagency entities, including the President's Committee on the International Labor Organization, that address international human rights issues.

Sec. 5. Cooperation Among Executive Departments and Agencies. All agencies shall cooperate in carrying out the provisions of this order. The Interagency Working Group shall facilitate such cooperative measures.

Sec. 6. Judicial Review, Scope, and Administration. (a) Nothing in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(b) This order does not supersede Federal statutes and does not impose any justiciable obligations on the executive branch.

(c) This order does not supersede Federal statutes and does not impose any justiciable obligations on the executive branch.

(c) The term "treaty obligations" shall mean treaty obligations as approved by the Senate pursuant to Article II, section 2, clause 2 of the United States Constitution.

(d) To the maximum extent practicable and subject to the availability of appropriations, agencies shall carry out the provisions of this order.

WILLIAM J. CLINTON

THE WHITE HOUSE,
December 10, 1998.

#

Exchange Mail

DATE-TIME 12/10/98 7:24:56 PM
FROM Wozniak, Natalie S.
CLASSIFICATION UNCLASSIFIED
SUBJECT Fact Sheet on Human Rights Day 1998 and Eleanor Roosevelt Human F
[UNCLASSIFIED]
TO Crowley, Philip J.
Leavy, David C.
Wozniak, Natalie S.
@SPEECH - NSC Speechwriters
Blinken, Antony J.
Gobush, Matthew N.
Gray, Wendy E.
Halperin, David E.
Malinowski, Tomasz P.
Widmer, Edward L. (Ted)

CARBON_COPY

TEXT_BODY Fact Sheet
Fact Sheet on Human Rights Day 1998 and Eleanor Roosevelt
Human Rights Award

TRANSLATED_ATTACHMENT

Human Rights Fact Sheet.doc
THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release December 10, 1998

FACT SHEET

Human Rights Day 1998 and Eleanor Roosevelt Human Rights Award

President Clinton today commemorates Human Rights Day and marks the anniversary of the Universal Declaration of Human Rights (UDHR), the Assembly declaration affirming fundamental freedoms and human rights for all people. On the historic anniversary of the UDHR, President Clinton announced several policy initiatives to advance human rights at home and abroad. He also honors four distinguished American human rights leaders as the inaugural recipients of the newly-created Eleanor Roosevelt Award for Human Rights.

Human Rights Policy Initiatives

- Signing of a Human Rights Executive Order, that strengthens our effort to implement human rights treaties, and creates an Administration working group to coordinate these efforts.
- Establishment of a genocide early warning center, jointly run by the State Department and the Central Intelligence Agency, to focus intelligence resources on situations that could potentially lead to genocide.
- Enhancing our response to human rights emergencies. The U.S. Agency for International Development will provide up to \$8 million over the next five years to non-governmental organizations to enhance their rapid response capabilities. Organizations can use these funds for a variety of purposes, including the creation of assessment teams, monitoring units or other means of addressing situations where human rights may be imminently threatened.
- Providing increased assistance to victims of human rights abuse. The Department of State will significantly increase our annual contribution to the U.N. Voluntary Fund for Torture Victims (from \$1.8 million in FY 1998 to \$3.5 million in FY 1999). This Fund distributes money to organizations around the world that rehabilitate those who have suffered torture. In addition, the Department of State is initiating a program to address the needs of genocide survivors in Rwanda, Bosnia and Cambodia. This program will primarily assist women, providing training and counseling.
- Combating child labor by contributing \$30 million this year to the International Labor Organization's International Program on the Elimination of Child Labor, a ten-fold increase over last year's \$3 million contribution. The program works with governments, businesses and non-governmental organizations to discourage the use of child labor around the world.
- Issuing new guidelines for the adjudication of asylum claims by children in the U.S. The U.S. is the second country after Canada to adopt such guidelines. The new guidelines will sensitize immigration officials to the special needs of our youngest and most vulnerable asylum seekers.
- Preventing youth hate crime through publication in January of a guide for schools entitled "Protecting Students from Harassment and Hate Crimes" developed jointly by the Department of Education and the National Association of Public Schools. The guide provides suggestions to school systems for addressing the issue of school violence.
- Protecting victims of smugglers, traffickers and sweatshop owners. The Department of Justice will explore legislative options to address the immigration situation of illegal aliens in the U.S. who are the victims of serious abuses such as forced labor and forced prostitution. The aim is to encourage greater reporting to and cooperation with U.S. authorities in targeting abusers of human rights.

Eleanor Roosevelt Human Rights Award

Eleanor Roosevelt was the driving force behind the adoption in 1948 of the Universal Declaration of Human Rights. To honor her commitment to the Declaration the President established the Eleanor Roosevelt Award for Human Rights.

For the inaugural recipients of this new award, the Secretary of State recommended, and the President approved, four distinguished American leaders.

- * Robert L. Bernstein, founder of the Fund for Free Expression and co-founder of Rights Watch and retired chairman of Random House.
- * Representative John Lewis, life-long civil rights leader.
- * Bette Bao Lord, human rights activist, China scholar and novelist.
- * Dorothy Q. Thomas, women's rights activist responsible for groundbreaking research and advocacy on human rights violations against women around the world.

1998 Eleanor Roosevelt Award Citations

ROBERT L. BERNSTEIN

Robert Bernstein has dedicated his life to giving voice to the voiceless, publishing banned books to founding the groups that led to the creation of Rights Watch. His ceaseless efforts have increased both our determination and ability to oppose human rights violations wherever they occur. We honor him today for a life devoted to the active defense of freedom and dignity throughout the world.

JOHN LEWIS

For 40 years John Lewis has been at the vanguard of the civil rights struggle. From Freedom Rides to the House of Representatives, he has educated generations of Americans in the crusade against injustice. He often did so at great personal risk, yet he never deviated from his commitment to peace through nonviolent means. We honor him today for his uncompromising stand in the face of bigotry and his unswerving commitment to the principles of the Universal Declaration of Human Rights.

BETTE BAO LORD

Born in China, raised in the United States, Bette Bao Lord has dedicated to the defense of liberty, particularly through her inspired leadership of Freedom House. One of her books on China includes the story of a boy kite each day outside a prison so that his captive father will see the kite . not lose hope. Her work has similarly sustained hope in countless others honor her today for her own activism and for setting a high standard for rights and democracy activists around the world.

DOROTHY Q. THOMAS

Dorothy Thomas has played a leading role in efforts to define and defend rights around the world. Through her work at Human Rights Watch, she global awareness of state-sponsored violence and discrimination against helped reshape international law to fight these abuses. We honor her today her courageous advocacy of women's rights as basic human rights.

#

3

3

Exchange Mail

DATE-TIME 2/12/99 11:49:13 AM

FROM Busby, Scott W.

CLASSIFICATION UNCLASSIFIED

SUBJECT FW: Rqst URGENT Concur on #0488--Rep. Smith Ltr re EO 13107 [UNCLASSIFIED]

TO Krass, Caroline D.

CARBON_COPY Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.

TEXT_BODY caroline -- to clarify, this is not a request for final concurrence but wanted to have your informal chop before we send out to agencies

since so much of what is in this letter is legal in nature.

-----Original
Message-----
From: Kale, Dora A.
Sent: Friday, February 12, 1999
11:42 AM
To: Krass, Caroline D.
Cc: @LEGAL - Legal Advisor; Kale,
Dora A.; Hill, Roseanne M.; Busby, Scott W.
Subject: Rqst URGENT
Concur on #0488--Rep. Smith Ltr re EO 13107 [UNCLASSIFIED]
Importance: High

@legal:
I will handcarry a copy of the incoming to you shortly. We are looking for your concurrence BEFORE sending out to Agencies for clearance.
Thank you!

TRANSLATED_ATTACHMENT 0488SmithLtr.doc

Dear Representative Smith:

Thank you for your letter regarding Executive Order 13107 concerning implementation of human rights treaties. I issued this order on the 50th anniversary of the adoption of the Universal Declaration of Human Rights to reaffirm our commitment to the fundamental values enshrined in that document. The intent of this Order is to enhance the work of the Executive Branch in ensuring compliance with those obligations the United States has undertaken by ratifying certain human rights treaties.

I appreciate your strong support for the overall objective of this Executive Order and offer the following information in response to your specific requests for clarification.

First, the Order directs implementation of those human rights treaty obligations that the United States has assumed, subject to any reservations, declarations or understandings, as a result of having ratified the respective treaties in accordance with our constitutional procedures. The Order is not intended to implement any treaty that the United States has not ratified. As you suggest, the reference in the introductory clause to obligations under treaties to which the United States "may become" a party is intended to refer only to those obligations the United States may undertake in the future through the ordinary ratification process.

Second, consistent with your understanding, it was our intent that the term "human rights obligations" have the same meaning as the term "treaty obligations" throughout the text. Thus, the definition of "treaty obligations" in

section

6(c) of the Order applies to the term "human rights obligations." As that definition provides, a treaty obligation of the United States is one that the United States assumes as a result of having ratified a treaty in accordance with our constitutional processes.

Third, I confirm your understanding that, at present, the Executive Order authorizes Executive Branch actions only under the following human rights treaties:

The Agreement for the Suppression of the White Slave Traffic of May 18, 1904, as amended by a Protocol of May 4, 1949;

The Convention to Suppress the Slave Trade and Slavery of September 25, 1926, as amended by a Protocol of December 7, 1953;

The Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948;

The Inter-American Convention on the Granting of Political Rights to Women of March 17, 1949;

The Convention on the Political Rights of Women of March 31, 1953;

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956;

The Convention Concerning the Abolition of Forced Labor of June 25, 1957 (ILO Convention 105);

The International Convention on the Elimination of All Forms of Racial Discrimination of December 21, 1965;

The International Covenant on Civil and Political Rights of December 16, 1966;

The Protocol Relating to the Status of Refugees of January 31, 1967; and

The Convention Against Torture and Other Cruel and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984.

Of course, should the United States decide to ratify any additional human rights treaties, those, too, would be covered by the Order.

Fourth, consistent with your understanding, section 4(c)(5) of the Order relating to the improvement of monitoring of State compliance with the relevant treaties is not intended to supersede federal statutes or to create any new federal authority to overturn, invalidate or interfere with the enforcement of State laws.

Fifth, the Interagency Working Group established by the Executive Order is charged, among other things, with coordinating an annual review to determine if consideration should be given to modification of U.S. reservations, declarations or understandings to the relevant human rights treaties. Such a review could lead to a request by the Executive Branch to the Senate that certain modifications be made. However, it is our intent and understanding that any such modifications, should they be deemed necessary, would require Senate action consistent with the Constitution.

Finally, I would like to stress that it is our intent and understanding that this Executive Order does not create any new legal obligation or right. Rather, the intent of the Order is to improve the work of the Executive Branch in ensuring compliance with those human rights treaties we have ratified.

Again, I appreciate your endorsement of this important Executive Order and thank you for sharing your thoughts with me.

Sincerely,

The Honorable Christopher H. Smith
House of Representatives
Washington, D.C. 20515

Exchange Mail

DATE-TIME 2/20/99 3:11:12 PM
FROM Krass, Caroline D.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Update on Human Rights Treaty IWG [UNCLASSIFIED]
TO Schwartz, Eric P.
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.

CARBON_COPY**TEXT_BODY**

We clear. Thanks.

-----Original Message-----

From: Schwartz,
Eric P.
Sent: Friday, February 19, 1999 8:25 PM
To: @LEGAL - Legal
Advisor
Subject: FW: Update on Human Rights Treaty IWG [UNCLASSIFIED]

info
e mail for srb, pls clear.

-----Original Message-----

From: Busby,
Scott W.
Sent: Friday, February 19, 1999 7:45 PM
To: Schwartz,
Eric P.
Subject: Update on Human Rights Treaty IWG [UNCLASSIFIED]

For
your comment

Sandy --

To recall, the Executive Order signed
by the President on Human Rights Day in December established a new
IWG aimed at enhancing our ability to implement and comply with those
human rights treaties we have ratified.

We and Legal have now had two useful meetings of the IWG, focusing on 1) our compliance with reporting requirements under several of these treaties, 2) our strategy for responding to criticisms of the U.S. under these treaties, 3) ways to improve our ability to monitor State and local compliance and 4) our posture toward seeking Senate advice and consent for those treaties we have signed but not ratified (e.g., CEDAW). The IWG has also served as a useful forum in which to discuss some of the issues relating to the U.S. that are likely to crop up at the Human Rights Commission meetings in Geneva. The IWG will be meeting monthly for the foreseeable future.

Exchange Mail

DATE-TIME 2/22/99 8:36:36 PM

FROM Sutphen, Mona K.

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: Update on Human Rights Treaty IWG [UNCLASSIFIED]

TO Busby, Scott W.
Davies, Glyn T.
Dejban, Donna D.
Hachigian, Nina L.
Kerrick, Donald L.
Millison, Cathy L.
Moretz, Sheila K.
O'Brien, Penelope R.
Rice, Edward A.
Scott-Perez, Marilyn L.
Storey, Sharon V.
Sutphen, Mona K.

CARBON_COPY Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.
Bernard, Kenneth W.
Busby, Scott W.
Denniston, Richard L.
Guarnieri, Valerie N.
Hill, Roseanne M.
Kale, Dora A.
Malley, Robert
Naplan, Steven J.
Schwartz, Eric P.
Stromseth, Jane E.
Vaccaro, Jonathan M. (Matt)
Williamson, Joel E.
Wippman, David

TEXT_BODY SRB wrote "good" on this one. m

-----Original Message-----

From: Busby,
Scott W.

Sent: Monday, February 22, 1999 11:05 AM

To: @NSA - Natl
Security Advisor
Cc: @LEGAL - Legal Advisor; @MULTILAT - Multilateral
and Humanitarian Affairs
Subject: Update on Human Rights Treaty
IWG [UNCLASSIFIED]

Mona -- Please pass to Sandy

Sandy --

To
recall, the Executive Order signed by the President on Human Rights
Day in December established a new IWG aimed at enhancing our ability
to implement and comply with those human rights treaties we have
ratified.

We and Legal have now had two useful meetings of the
IWG, focusing on 1) our compliance with reporting requirements under
several of these treaties, 2) our strategy for responding to criticisms
of the U.S. under these treaties, 3) ways to improve our ability
to monitor State and local compliance and 4) our posture toward seeking
Senate advice and consent for those treaties we have signed but not
ratified (e.g., CEDAW). The IWG has also served as a useful forum
in which to discuss some of the issues relating to the U.S. that
are likely to crop up at the Human Rights Commission meetings in
Geneva. The IWG will be meeting monthly for the foreseeable future.

Scott

Exchange Mail

DATE-TIME 2/26/99 2:33:11 AM
FROM Sutphen, Mona K.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Update on Human Rights Treaty IWG [UNCLASSIFIED]
TO Busby, Scott W.

CARBON_COPY

TEXT_BODY Scott - SRB writes "thanks."

-----Original Message-----

From: Busby,
Scott W.
Sent: Monday, February 22, 1999 11:05 AM
To: @NSA - Natl
Security Advisor
Cc: @LEGAL - Legal Advisor; @MULTILAT - Multilateral
and Humanitarian Affairs
Subject: Update on Human Rights Treaty
IWG [UNCLASSIFIED]

Mona -- Please pass to Sandy

Sandy --

To
recall, the Executive Order signed by the President on Human Rights
Day in December established a new IWG aimed at enhancing our ability
to implement and comply with those human rights treaties we have
ratified.

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of the U.S. under these treaties, 3) ways to improve our ability
to monitor State and local compliance and 4) our posture toward seeking
Senate advice and consent for those treaties we have signed but not
ratified (e.g., CEDAW). The IWG has also served as a useful forum
in which to discuss some of the issues relating to the U.S. that
are likely to crop up at the Human Rights Commission meetings in
Geneva. The IWG will be meeting monthly for the foreseeable future.

Scott

Exchange Mail

DATE-TIME 3/3/99 1:10:09 PM
FROM Krass, Caroline D.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Meeting with NGOs on Human Rights EO and IWG
[UNCLASSIFIED]
TO Busby, Scott W.

CARBON_COPY Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.
Bernard, Kenneth W.
Busby, Scott W.
Denniston, Richard L.
Guarnieri, Valerie N.
Hill, Roseanne M.
Kale, Dora A.
Keenan, Josefina (Chris)
Malley, Robert
Naplan, Steven J.
Schwartz, Eric P.
Stromseth, Jane E.
Vaccaro, Jonathan M. (Matt)
Williamson, Joel E.
Wippman, David

TEXT_BODY Scott -- Thanks for sending these. We have some comments.

-----Original
Message-----
From: Busby, Scott W.
Sent: Wednesday, March 03,
1999 12:21 PM
To: Krass, Caroline D.
Cc: @LEGAL - Legal Advisor;
@MULTILAT - Multilateral and Humanitarian Affairs
Subject: Meeting
with NGOs on Human Rights EO and IWG [UNCLASSIFIED]

Caroline

-- As discussed, TPs for Eric to use in our meeting with NGOs this p.m. Your comments ASAP, please. Thx.

TRANSLATED_ATTACHMENT

Human Rights EO -- TPs for NGOs.doc
Meeting with NGOs on Human Rights EO and IWG
March 3, 1999

* Introductions

* Point of this meeting is tell you more about the Executive Order on Implementation of Human Rights Treaties in the United States signed by the President on December 10, Human Rights Day and the Interagency Working Group (IWG) that was established by the EO.

* In our mind, the EO has two primary purposes:

* To reaffirm our commitment to complying with our international human rights obligations and to working with and supporting the mechanisms and agencies that enforce and promote human rights.

* To enhance interagency coordination in the implementation of our human rights obligations through creation of an Interagency Working Group (IWG) on Human Rights Treaties.

* Among other things, the IWG is charged with

* coordinating significant decisions relating to the implementation of our human rights obligations

* coordinating the submission of reports required by the various treaties to which we're a party

* coordinating responses to human rights complaints filed against the U.S. in international bodies

* reviewing our policy and strategy for pursuing the ratification of additional human rights instruments (e.g., CEDAW, ILO Convention 111

* improving our monitoring capacity vis-à-vis state and local

compliance with our
international obligations

* The IWG has met twice so far and will continue to meet on a
monthly basis.

* It is jointly chaired by my office and the Legal office at the NSC.
My office
will be responsible for leading the discussion on policy issues; Legal
is
responsible for leading the discussion on legal issues.

* Like other IWGs chaired by NSC, the IWG will refer issues
requiring
higher-level approval to appropriate decision makers.

* The agencies primarily involved in the IWG to date are State,
Justice, Labor
and Defense, although we will be including other appropriate
agencies.

* The issues we are currently focusing on are:

* Responding to questions raised about the EO on the Hill (e.g., letters
from
Chris Smith and Jesse Helms)

* Chief concern has been that the EO could be read by some to
authorize
implementation of human rights treaties which we have not ratified.
By the terms
of the EO itself, this is clearly not the case.

[Scott: The following four points reveal to much about our
deliberative process
to be discussed in a public setting. If you want to refer to these issues,
the
points need to be much more general.]

* * * *

* We of course welcome your input in helping to create a process that
addresses
the important issues relating to U.S. implementation of international
human
rights norms

* Questions, comments?

Exchange Mail

DATE-TIME 3/3/99 2:35:45 PM
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Meeting with NGOs on Human Rights EO and IWG
[UNCLASSIFIED]
TO Bernard, Kenneth W.
Busby, Scott W.
Denniston, Richard L.
Guarnieri, Valerie N.
Hill, Roseanne M.
Kale, Dora A.
Keenan, Josefine (Chris)
Malley, Robert
Naplan, Steven J.
Schwartz, Eric P.
Stromseth, Jane E.
Vaccaro, Jonathan M. (Matt)
Williamson, Joel E.
Wippman, David
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.

CARBON_COPY**TEXT_BODY**

Scott/Caroline:

Taking Caroline's comments into account, I've made following modifications.

Eric

-----Original Message-----

From: Krass,
Caroline D.

Sent: Wednesday, March 03, 1999 1:10 PM

To: Busby,
Scott W.

Cc: @LEGAL - Legal Advisor; @MULTILAT - Multilateral and
Humanitarian Affairs

Subject: FW: Meeting with NGOs on Human Rights

EO and IWG [UNCLASSIFIED]

Scott -- Thanks for sending these.
We have some comments.

-----Original Message-----

From: Busby,

Scott W.

Sent: Wednesday, March 03, 1999 12:21 PM

To: Krass, Caroline

D.

Cc: @LEGAL - Legal Advisor; @MULTILAT - Multilateral and
Humanitarian
Affairs

Subject: Meeting with NGOs on Human Rights EO and IWG
[UNCLASSIFIED]

Caroline -- As discussed, TPs for Eric to use in our meeting
with NGOs this p.m. Your comments ASAP, please. Thx.

TRANSLATED_ATTACHMENT

Human Rights EO -- TPs for NGOs.doc
Meeting with NGOs on Human Rights EO and IWG
March 3, 1999

* Introductions

* Point of this meeting is tell you more about the Executive Order on
Implementation of Human Rights Treaties in the United States signed
by the
President on December 10, Human Rights Day and the Interagency
Working Group
(IWG) that was established by the EO.

* In our mind, the EO has two primary purposes:

* To reaffirm our commitment to complying with our international
human rights
obligations and to working with and supporting the mechanisms and
agencies that
enforce and promote human rights.

* To enhance interagency coordination in the implementation of our
human rights
obligations through creation of an Interagency Working Group (IWG)
on Human
Rights Treaties.

- * Among other things, the IWG is charged with
 - * coordinating significant decisions relating to the implementation of our human rights obligations
 - * coordinating the submission of reports required by the various treaties to which we're a party
 - * coordinating responses to human rights complaints filed against the U.S. in international bodies
 - * reviewing our policy and strategy for pursuing the ratification of additional human rights instruments (e.g., CEDAW, ILO Convention 111)
 - * improving our monitoring capacity vis-à-vis state and local compliance with our international obligations
- * The IWG has met twice so far and will continue to meet on a monthly basis.
- * It is jointly chaired by my office and the Legal office at the NSC. My office will be responsible for leading the discussion on policy issues; Legal is responsible for leading the discussion on legal issues.
- * Like other IWGs chaired by NSC, the IWG will refer issues requiring higher-level approval to appropriate decision makers. Like other IWG's, we may refer important issues to Deputy and even Cabinet-level review.
- * The agencies primarily involved in the IWG to date are State, Justice, Labor and Defense, although we will be including other appropriate agencies. These may include agencies and offices such as HHS, Interior and Education, as well as the Civil Rights Division at Justice.
- * The issues we are currently focusing on are:
 - * Responding to questions raised about the EO on the Hill (e.g., letters from Chris Smith and Jesse Helms)

* Chief concern has been that the EO could be read by some to authorize implementation of human rights treaties which we have not ratified. By the terms of the EO itself, this is clearly not the case.

* * Coordinating the effort to finalize and transmit reports under the Torture

and Race Convention, and our second report under the ICCPR.

* * Reviewing human rights reporting focused on the United States.

As the

President has said, our democracy is a work in progress, and we take the views of

responsible groups very seriously.

* * Developing plans for pursuing ratification of CEDAW and ILO Convention 111.

*

* We of course welcome your input in helping to create a process that addresses

the important issues relating to U.S. implementation of international human rights norms

* Questions, comments?

Exchange Mail

DATE-TIME 3/5/99 4:12:02 PM
FROM Kale, Dora A.
CLASSIFICATION UNCLASSIFIED
SUBJECT Rqst URGENT Concur #0488 - Reply to Rep. Smith re EO 13107
[UNCLASSIFIED]
TO Burrell, Christina L.
Lackey, Miles M.
Tavlarides, Mark J.

CARBON_COPY Kale, Dora A.
Hill, Roseanne M.
Busby, Scott W.

TEXT_BODY Thanks in advance for your quick response.

TRANSLATED_ATTACHMENT 0488 BERGER memo.doc

March 5, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Congressional Correspondence on Human Rights
Executive Order

Attached is a memorandum to the President and a proposed response to Congressional correspondence on the above subject.

This package was delayed due to the complex nature of the response. We chose not to send an interim response as we have been in regular contact with Chris Smith's

staff about the status of the response.

Concurrence by: Caroline Krass; Legislative

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

1

0488

TRANSLATED_ATTACHMENT 0488 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

LARRY STEIN

SUBJECT: Congressional Correspondence on Human Rights
Executive Order

Purpose

To respond to a letter from Representative Christopher Smith.

Background

On December 10, Human Rights Day, you signed an Executive Order relating to the

implementation of human rights treaties to which the U.S. is a party.

Among

other things, the Order directed agencies to ensure compliance with

our

international obligations under these treaties and created an

interagency working group to enhance our implementation of these norms. Response from the human rights community has been enthusiastically positive. We have been told repeatedly that the EO represents a critical reaffirmation of U.S. commitments in this area. At the same time, some have reacted negatively to the Order on the belief that it purports to implement human rights treaties that we have not ratified.

Representative Christopher Smith wrote to express his general support for the Executive Order but also to request your clarification of a number of points relating to the Order. In fact, Smith designed his letter to provide us with a good opportunity to rebut false claims about the EO.

Your response describes in general terms what we have sought to accomplish with the Order and addresses specifically each of the Smith's questions in a way that should help allay any misconceptions or concerns.

RECOMMENDATION

That you sign the letter at Tab A.

Attachments

Tab A Response to Representative Smith

Tab B Incoming Correspondence

2

0488

cc: Vice President
Chief of Staff

Dear Representative Smith:

Thank you for your letter regarding Executive Order 13107 concerning implementation of human rights treaties. I issued this Order on the 50th anniversary of the adoption of the Universal Declaration of Human Rights to reaffirm our commitment to the fundamental values enshrined in that document. The intent of this Order is to enhance the work of the Executive Branch in ensuring compliance with those obligations the United States has undertaken by ratifying certain human rights treaties.

I appreciate your strong support for the overall objective of this Executive Order and offer the following information in response to your specific requests for clarification.

First, the Order relates to the implementation of those human rights treaty obligations that the United States has assumed, subject to any reservations, declarations or understandings, as a result of having ratified the respective treaties in accordance with our constitutional procedures. The Order is not intended to implement any treaty that the United States has not ratified. As you suggest, the reference in the introductory clause to obligations under treaties to which the United States "may become" a party is intended to refer only to those obligations the United States may undertake in the future through the ordinary ratification process.

Second, consistent with your understanding, it was our intent that the term "human rights obligations" have the same meaning as the term "treaty

obligations"
throughout the text. Thus, the definition of "treaty obligations" in
section
6(c) of the Order applies to the term "human rights obligations." As
that
definition provides, a treaty obligation of the United States is one that
the
United States assumes as a result of having ratified a treaty in
accordance with
our constitutional procedures.

Third, I can confirm your understanding that, at present, the Executive
Order
authorizes Executive Branch actions only under the following human
rights
treaties:

The Agreement for the Suppression of the White Slave Traffic of May
18, 1904, as
amended by a Protocol of May 4, 1949;

The Convention to Suppress the Slave Trade and Slavery of
September 25, 1926, as
amended by a Protocol of December 7, 1953;

The Convention on the Prevention and Punishment of the Crime of
Genocide of
December 9, 1948;

The Inter-American Convention on the Granting of Political Rights to
Women of
March 17, 1949;

The Convention on the Political Rights of Women of
March 31, 1953;

The Supplementary Convention on the Abolition of Slavery, the Slave
Trade, and
Institutions and Practices Similar to Slavery of September 7, 1956;

The Convention Concerning the Abolition of Forced Labor of June
25, 1957 (ILO
Convention 105);

The International Convention on the Elimination of All Forms of
Racial
Discrimination of December 21, 1965;

The International Covenant on Civil and Political Rights of December
16, 1966;

The Protocol Relating to the Status of Refugees of January 31, 1967; and

The Convention Against Torture and Other Cruel and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984.

I can also confirm your understanding that any Executive Branch actions under the Executive Order will be subject to any reservations, understandings, and declarations of the Senate in giving its advice and consent to ratification. Of course, should the United States decide to ratify any additional human rights treaties, those, too, would be covered by the Order.

Fourth, consistent with your understanding, section 4(c)(5) of the Order relating to the improvement of monitoring of State compliance with the relevant treaties is not intended to supersede federal statutes or to create any new federal authority to overturn, invalidate or interfere with the enforcement of State laws.

Fifth, the Interagency Working Group established by the Executive Order is charged, among other things, with coordinating an annual review to determine if consideration should be given to modification of U.S. reservations, declarations or understandings to the relevant human rights treaties. This review could lead to recommendations to me or any future President regarding proposed changes. Any such changes to these human rights treaties would require Senate approval.

Finally, I would like to stress that it is our intent and understanding that this Executive Order does not create any new legal obligation or right. Rather, the intent of the Order is to improve the work of the Executive Branch in ensuring compliance with those human rights treaties we have ratified.

Again, I appreciate your endorsement of this important Executive

Order and thank
you for sharing your thoughts with me.

Sincerely,

The Honorable Christopher H. Smith
House of Representatives
Washington, D.C. 20515

Exchange Mail

DATE-TIME 3/18/99 6:29:18 PM
FROM Wippman, David
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Helms' letter on human rights E.O. [UNCLASSIFIED]
TO Hill, Roseanne M.

CARBON_COPY**TEXT_BODY**

Can you accept all the changes in the package below and print out in final for me to proof and then to give to Eric? Thanks.

-----Original

Message-----

From: Krass, Caroline D.

Sent: Thursday, March 18,
1999 6:20 PM

To: Wippman, David

Cc: @LEGAL - Legal Advisor; @MULTILAT

- Multilateral and Humanitarian Affairs; @LEGISLAT - Legislative
Affairs

Subject: FW: Helms' letter on human rights E.O. [UNCLASSIFIED]

Justice/OLC

either wants both "seek to" and "seeking" in the fourth paragraph
(I have added in the attached) or for us to delete these two phrases
altogether. With that change and a few other minor changes to the
cover memos, we clear.

-----Original Message-----

From: Wippman,
David

Sent: Thursday, March 18, 1999 4:40 PM

To: Lackey, Miles

M.; Krass, Caroline D.; Schwartz, Eric P.

Cc: @LEGAL - Legal Advisor;

@LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and
Humanitarian
Affairs

Subject: FW: Helms' letter on human rights E.O. [UNCLASSIFIED]

I

have made some revisions to the Helms letter after further
conversations

with State and Justice. They are OK with the letter as it is now. Would appreciate your concurrence by COB if at all possible.

-----Original

Message-----

From: Wippman, David

Sent: Thursday, March 18, 1999

1:22 PM

To: Lackey, Miles M.; Krass, Caroline D.

Cc: @LEGAL - Legal

Advisor; @LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral

and Humanitarian Affairs

Subject: Helms' letter on human rights

E.O. [UNCLASSIFIED]

I am still awaiting State/L's clearance on the attached, but hope to have it this afternoon. Would appreciate your comments/concurrence asap; this is overdue and ExecSec is looking for it.

TRANSLATED_ATTACHMENT 1091 Berger memo.doc

March 13, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Implementation of Human Rights Treaties

Attached is a memorandum to the President and a response to a letter from Senator Helms and 28 other Senators on the above subject.

Concurrence by: Caroline Krass, Miles Lackey

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

1

1091

TRANSLATED_ATTACHMENT 1091 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Implementation of Human Rights Treaties

Purpose

To respond to a letter from Senator Helms and 28 other Senators
about Executive
Order 13107 relating to the implementation of human rights treaties.

Background

On Human Rights Day, you signed an Executive Order that reaffirms
the U.S.
commitment to the implementation of our human rights treaty
obligations and
enhances our ability to ensure that such obligations are carried out.
Senator
Helms and 28 other Senators wrote to inform you that they have
received a
"deluge" of phone calls from citizens expressing concern that it is the
intent of
this Order is to circumvent the Senate's role in the treaty ratification
process.
(We have received a significant amount of positive response to the

Order as
well.) The Senators ask you to confirm several points relating to the
Order and
to provide a list of the human rights treaties covered by the Order.

Your response confirms each of the points raised by the letter. It
reassures the
Senators that the Order does not authorize the circumvention of the
Senate's role
in the ratification process.

RECOMMENDATION

That you sign the attached letter.

Attachments
Tab A Proposed Response
Tab B Incoming Correspondence

2

1091

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 1091 Helms letter.doc

Dear Senator Helms:

Thank you for your letter regarding Executive Order 13107 relating to
the
implementation of human rights treaties. I issued this Order on the
50th
anniversary of the adoption of the Universal Declaration of Human
Rights to
reaffirm our commitment to the fundamental values enshrined in that
document.

In response to your first point, I can confirm that the Order relates only to the implementation of those human rights treaty obligations the United States has assumed, subject to any reservations, declarations or understandings, as a result of having ratified the respective treaties in accordance with our constitutional procedures. (Per your request, a list of those treaties is attached.) The Order is not intended to implement any treaty the United States has not ratified or to circumvent the Senate's role of providing advice and consent in the ratification process.

Second, the Order does not cause any non-self-executing treaty provision to take on the force of U.S. law. Rather, the Order reaffirms to Executive Branch agencies their role in fulfilling U.S. obligations under those human rights treaties to which the United States is a party and establishes an interagency process that will enhance our ability to carry out such duties.

Third, the Order is not intended to authorize the unilateral modification by the Executive Branch of current reservations, understandings, or declarations contained in the Senate's resolutions of ratification giving advice and consent to these treaties. My Administration would not [seek to] make such modifications to the resolutions of ratification for these treaties without [seeking] the Senate's advice and consent.

I hope this information allays any concerns that you or your constituents may have about this Order. Please let me know if you need further clarification on these or other points.

Thank you for sharing your thoughts with me on this issue.

Sincerely,

The Honorable Jesse Helms
United States Senate
Washington, D.C. 20510

Human Rights Treaties to Which the United States is a Party

The Agreement for the Suppression of the White Slave Traffic of May 18, 1904, as amended by a Protocol of May 4, 1949;

The Convention to Suppress the Slave Trade and Slavery of September 25, 1926, as amended by a Protocol of December 7, 1953;

The Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948;

The Inter-American Convention on the Granting of Political Rights to Women of March 17, 1949;

The Convention on the Political Rights of Women of March 31, 1953;

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956;

The Convention Concerning the Abolition of Forced Labor of June 25, 1957 (ILO Convention 105);

The International Convention on the Elimination of All Forms of Racial Discrimination of December 21, 1965;

The International Covenant on Civil and Political Rights of December 16, 1966;

The Protocol Relating to the Status of Refugees of January 31, 1967; and

The Convention Against Torture and Other Cruel and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984.

Exchange Mail

DATE-TIME 3/25/99 5:38:53 PM
FROM Wippman, David
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Concurrence for Package 0835 [UNCLASSIFIED]
TO Hill, Roseanne M.

CARBON_COPY

TEXT_BODY

Here's the version for final.

-----Original Message-----

From: Krass,
Caroline D.
Sent: Thursday, March 25, 1999 3:56 PM
To: Wippman,
David
Cc: Hill, Roseanne M.; Kale, Dora A.; @LEGAL - Legal Advisor
Subject: FW:
Concurrence for Package 0835 [UNCLASSIFIED]

Just a few changes
-- the one in the POTUS memo is for clarification.

-----Original
Message-----

From: Hill, Roseanne M.
Sent: Thursday, March 25,
1999 12:56 PM
To: @LEGAL - Legal Advisor
Cc: Kale, Dora A.
Subject: FW:
Concurrence for Package 0835 [UNCLASSIFIED]

Need concurrence as
soon as possible. Thank you.

-----Original Message-----

From: Wippman,
David
Sent: Wednesday, March 24, 1999 10:32 AM
To: Hill, Roseanne
M.
Subject: Package 0835 [UNCLASSIFIED]

Please put in final for
Eric to review; then send to Legal (probably Carolyn Krass) for
concurrence.
Thanks.

TRANSLATED_ATTACHMENT 0835 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Implementing the Universal Declaration of Human Rights

Purpose

To respond to a letter from UN Secretary General Kofi Annan and
High Commissioner
for Human Rights Mary Robinson.

Background

Secretary General Annan and High Commissioner Robinson wrote to
thank you for
your participation in the commemoration of the 50th Anniversary of
the Universal
Declaration of Human Rights, and to urge you to implement fully the
provisions in
that document. Specifically, they recommend that we sign and ratify
the
principal international human rights treaties, publicize the Universal
Declaration among all our citizens, and implement the recent UN
Declaration in
Support of Human Rights Defenders.

Your response notes that you helped commemorate the 50th
anniversary of the
Universal Declaration by issuing an Executive Order that reaffirms
our duty and
commitment to implement those human rights treaties to which we are
a party. You

note that the Order established an Interagency Working Group on these issues, which, among other things, is pursuing recommendations made by Annan and Robinson.

RECOMMENDATION

That you sign the letter at Tab A.

Attachments

Tab A Proposed Response

Tab B Incoming Correspondence

1

1

0835

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 0835 Berger memo.doc

March 24, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Implementing the Universal Declaration of Human Rights

Attached is a memorandum to the President and a response to Secretary-General Kofi Annan and High Commissioner for Human Rights Mary Robinson on the subject issue.

This response was delayed by our involvement in preparations for the President's trip to Central America, and by our effort to respond to high priority letters

from the Congress regarding our recent Executive Order on the Implementation of Human Rights Treaties.

Concurrence by: Caroline Krass

RECOMMENDATION

That you sign the memorandum at Tab I.

Attachments

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

I

0835

TRANSLATED_ATTACHMENT 0835 Annan-Robinson letter.doc

Dear Secretary-General Annan and High Commissioner Robinson:

Thank you for your letter regarding the 50th anniversary of the Universal Declaration of Human Rights. I share your commitment to advancing the noble principles in that document.

As you may know, to mark the 50th anniversary of the Universal Declaration, I issued an Executive Order relating to the implementation of human rights treaties in the United States. The chief purpose of that Order was to reaffirm to all components of our Federal Government our duty and commitment to implement fully the obligations we have undertaken by ratifying certain human rights

instruments.

To enhance our ability to do so, the Order established an Interagency Working Group on Human Rights Treaties that will consider and coordinate actions on these matters. A copy of the Executive Order is enclosed for your reference.

The Group has met several times and will continue to do so on a monthly basis.

The Group is already pursuing several of the objectives you urge, including the signature and ratification of additional human rights instruments. We will keep you apprised of significant developments in the areas referenced in your letter.

Again, thank you for sharing your views with me on these important issues.

Sincerely,

Secretary-General Kofi Annan
High Commissioner for Human Rights Mary Robinson
United Nations, NY 10017

Enclosure

1

2

Exchange Mail

DATE-TIME 3/26/99 10:33:33 PM
FROM Bartlett, L. June
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Pckg 1091 - Congressional Letters [UNCLASSIFIED]
TO Hill, Roseanne M.

CARBON_COPY Bernard, Kenneth W.
Busby, Scott W.
Denniston, Richard L.
Guarnieri, Valerie N.
Hill, Roseanne M.
Kale, Dora A.
Keenan, Josefine (Chris)
Malley, Robert
Naplan, Steven J.
Schwartz, Eric P.
Stromseth, Jane E.
Vaccaro, Jonathan M. (Matt)
Wippman, David
Bartlett, L. June
Dejban, Donna D.
Hasman, Thomas M.
Hilliard, Brenda I.
Joshi, M. Kay
Millison, Cathy L.

TEXT_BODY

Rosie,

Thanks for getting back all the letters to me so quickly today. But I hate to give you the bad news: the date is missing and also missing is the word "Enclosure" on the second page. Please see letter below.

Could you reprint the letters with these corrections and send them to me on Monday.

Sorry for the double work.

Thanks.

June

-----Original Message-----

From: Bartlett, L. June

Sent: Friday,

March 26, 1999 1:40 PM

To: @MULTILAT - Multilateral and Humanitarian
Affairs

Cc: @CROSS - Cross Hatches

Subject: Pckg 1091 - Congressional
Letters [UNCLASSIFIED]

SRB/Stein/Staff Secretary have approved
the text of the letter in package 1091 -- Implementation of Human
Rights Treaties. The additional letters and labels need to be prepared.
I am sending you a copy of the approved package and diskette.

Please

return the letters, labels, and diskette to ExecSec no later than
Monday, March 29.

Per Staff Secretary, the letters should be dated
March 26, 1999.

Thank you.

(Advance copy of letter below)

Also,

can you print copies of the attachment for each outgoing letter (hard
bond) - thanks.

June

TRANSLATED_ATTACHMENT 1091 Helms letter.doc

March 26, 1999

Dear Mr. Chairman:

Thank you for your letter regarding Executive Order 13107 relating to the implementation of human rights treaties. I issued this Order on the 50th anniversary of the adoption of the Universal Declaration of Human Rights to reaffirm our commitment to the fundamental values enshrined in that document.

In response to your first point, I can confirm that the Order relates only to the implementation of those human rights treaty obligations the United States has assumed, subject to any reservations, declarations or understandings, as a result of having ratified the respective treaties in accordance with our constitutional procedures. (Per your request, a list of those treaties is attached.) The Order is not intended to implement any treaty the United States has not ratified or to circumvent the Senate's role of providing advice and consent in the ratification process.

Second, the Order does not cause any non-self-executing treaty provision to take on the force of U.S. law. Rather, the Order reaffirms to Executive Branch agencies their role in fulfilling U.S. obligations under those human rights treaties to which the United States is a party and establishes an interagency process that will enhance our ability to carry out such duties.

Third, the Order is not intended to authorize the unilateral modification by the Executive Branch of current reservations, understandings, or declarations contained in the Senate's resolutions of ratification giving advice and consent to these treaties. My Administration would not seek to make such modifications to the resolutions of ratification for these treaties without seeking the Senate's advice and consent.

I hope this information allays any concerns that you or your constituents may have about this Order.

Again, thank you for writing and sharing your concerns with me on this issue.

Sincerely,

The Honorable Jesse Helms
Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

Enclosure

2

TRANSLATED_ATTACHMENT 1091 Helms letter.doc

March 26, 1999

Dear Mr. Chairman:

Thank you for your letter regarding Executive Order 13107 relating to the implementation of human rights treaties. I issued this Order on the 50th anniversary of the adoption of the Universal Declaration of Human Rights to reaffirm our commitment to the fundamental values enshrined in that document.

In response to your first point, I can confirm that the Order relates only to the

implementation of those human rights treaty obligations the United States has assumed, subject to any reservations, declarations or understandings, as a result of having ratified the respective treaties in accordance with our constitutional procedures. (Per your request, a list of those treaties is attached.) The Order is not intended to implement any treaty the United States has not ratified or to circumvent the Senate's role of providing advice and consent in the ratification process.

Second, the Order does not cause any non-self-executing treaty provision to take on the force of U.S. law. Rather, the Order reaffirms to Executive Branch agencies their role in fulfilling U.S. obligations under those human rights treaties to which the United States is a party and establishes an interagency process that will enhance our ability to carry out such duties.

Third, the Order is not intended to authorize the unilateral modification by the Executive Branch of current reservations, understandings, or declarations contained in the Senate's resolutions of ratification giving advice and consent to these treaties. My Administration would not seek to make such modifications to the resolutions of ratification for these treaties without seeking the Senate's advice and consent.

I hope this information allays any concerns that you or your constituents may have about this Order.

Again, thank you for writing and sharing your concerns with me on this issue.

Sincerely,

The Honorable Jesse Helms
Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

Enclosure

2

TRANSLATED_ATTACHMENT 1091 Outgoing ltr attachment.doc
Human Rights Treaties to Which the United States is a Party

The Agreement for the Suppression of the White Slave Traffic of May
18, 1904, as
amended by a Protocol of May 4, 1949;

The Convention to Suppress the Slave Trade and Slavery of
September 25, 1926, as
amended by a Protocol of December 7, 1953;

The Convention on the Prevention and Punishment of the Crime of
Genocide of
December 9, 1948;

The Inter-American Convention on the Granting of Political Rights to
Women of
March 17, 1949;

The Convention on the Political Rights of Women of
March 31, 1953;

The Supplementary Convention on the Abolition of Slavery, the Slave
Trade, and
Institutions and Practices Similar to Slavery of September 7, 1956;

The Convention Concerning the Abolition of Forced Labor of June
25, 1957 (ILO
Convention 105);

The International Convention on the Elimination of All Forms of
Racial
Discrimination of December 21, 1965;

The International Covenant on Civil and Political Rights of December 16, 1966;

The Protocol Relating to the Status of Refugees of January 31, 1967; and

The Convention Against Torture and Other Cruel and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984.

Exchange Mail

DATE-TIME 5/24/99 10:31:01 AM
FROM Krass, Caroline D.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Human Rights IWG Summary Of Conclusions
[UNCLASSIFIED]
TO Busby, Scott W.

CARBON_COPY Bernard, Kenneth W.
Busby, Scott W.
Denniston, Richard L.
Guarnieri, Valerie N.
Hill, Roseanne M.
Jones, Brian E.
Kale, Dora A.
Keenan, Josefina (Chris)
Malley, Robert
Naplan, Steven J.
Schwartz, Eric P.
Stromseth, Jane E.
Vaccaro, Jonathan M. (Matt)
Wippman, David
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.

TEXT_BODY Scott: Please note changes. I'll give you a call once I've had a chance to look more closely at the FACA issues.

-----Original
Message-----
From: Busby, Scott W.
Sent: Sunday, May 23, 1999
7:26 PM
To: Krass, Caroline D.
Cc: @MULTILAT - Multilateral and
Humanitarian Affairs
Subject: Human Rights IWG Summary Of Conclusions
[UNCLASSIFIED]

Caroline -- Please clear. Let's discuss the meeting with the public issue when you have a chance.

TRANSLATED_ATTACHMENT Human Rights IWG SOC 5 20 99.doc
Summary Of Conclusions
Human Rights Treaty Interagency Working Group
May 20, 1999

It was decided that:

* In response to the requests from the World Organization Against Torture,

(a) NSC/Multilateral (Busby) and NSC/Legal (Krass) would work on a legally appropriate response to the Organization's request for meetings between IWG members and members of the public; and

(b) it is not appropriate to provide advance notice to the public of our reports to UN Committees.

* NSC could provide to the public the names of the designated agency contacts under the human rights Executive Order.

* State/L (Surena) would continue to work on the Torture and Race reports with a view toward having both completed by the end of the summer at the latest.

* State/L (Surena) would pursue means of increasing the staff and resources dedicated to generating our human rights reports, including the possibility of using summer associates in State/L.

* NSC (Busby) would check with Ben Johnson on the status of the President's book on race.

* A/S Koh and DRL would implement the State action plan relating to CEDAW ratification;

* Justice (Castello) would report back to IWG at next meeting on organization and

procedures of Justice task force on human rights abusers in the U.S.

- * Education should pursue and develop action plan for all of its proposals aimed at increasing dissemination of the Universal Declaration of Human Rights.

- * State/DRL would schedule meeting within the next month to discuss plans for fostering compliance with international human rights norms by State and local entities.

- * NSC (Busby) to discuss with NSC Kosovo colleagues need to make clearer our public position regarding compliance with the Geneva Conventions in the conduct of the war in Kosovo.

Exchange Mail

DATE-TIME 11/5/99 5:59:45 PM
FROM Krass, Caroline D. (LEGAL)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: ABC Lunch Monday - Request for Topics [UNCLASSIFIED]
TO Busby, Scott W. (MULTI)
Schwartz, Eric P. (MULTI)

CARBON_COPY Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

TEXT_BODY OK. Please see substantial edits in e-mail below.

-----Original
Message-----
From: Busby, Scott W. (MULTI)
Sent: Friday, November
05, 1999 11:54 AM
To: Krass, Caroline D. (LEGAL); Schwartz, Eric
P. (MULTI)
Cc: @LEGAL - Legal Advisor; @MULTILAT - Multilateral
and Humanitarian Affairs
Subject: RE: ABC Lunch Monday - Request
for Topics [UNCLASSIFIED]

Caroline -- To add my two cents on this,
I support the Lawyers Comte recommendation for a new office dedicated
to these issues within DoJ but I don't think such an office, if we
could establish it -- a big if --, could or should wholly take over
the responsibilities for these sorts of reports. I think State should
continue to play the lead role in pulling together the various sections

of these reports and putting the final touches on them for presentation to the relevant international body. Given that, I think State does need additional staff to make that happen. Such additions, however, would not be in lieu of a Justice office but in addition to.

Eric?

-----Original
Message-----

From: Krass, Caroline D. (LEGAL)
Sent: Friday, November
05, 1999 10:53 AM
To: Schwartz, Eric P. (MULTI)
Cc: Busby, Scott
W. (MULTI); @LEGAL - Legal Advisor
Subject: RE: ABC Lunch Monday
- Request for Topics [UNCLASSIFIED]

Eric: Before I make specific changes to this -- a question. Is there any thought that we might follow the suggestion in the Lawyers' Committee Report and push for an office at Justice to be the lead on these reports? I understand why State was initially selected as the responsible agency (given their lead role in treaty-making), but given that the reports are about domestic implementation, it seems like Justice would be a more logical focal point. This is just my personal view, but I wonder what your thoughts are and whether there should be a talking point saying that we are considering the idea, noting that the AG would not be present at the ABC lunch.

-----Original Message-----

From: Schwartz,
Eric P. (MULTI)
Sent: Friday, November 05, 1999 9:59 AM
To: Krass,
Caroline D. (LEGAL)
Cc: Busby, Scott W. (MULTI)
Subject: FW:
ABC Lunch Monday - Request for Topics [UNCLASSIFIED]

Caroline:

After you clear, please send to Scott so he can forward to Sandy,.

I've discussed this with both Jamie Borek and Andre, and they both know this may be coming. Of course, they will also learn through formal (Mona) channels.

Thakns.

Mona:

Subject: Sustaining President's
Commitment on Human Rights Treaty Implementation.

Suggested points
(which also explain issue):

Sandy: The attached points are self-explanatory,
and State has known for some time that this issue might be raised.
Without trying to dictate to Strobe how to spend State resources,
the points are designed to put this important issue on the radar
screen at State.

- * President signed an Executive Order last
year which formed established an special interagency working group
on human rights treaties -- IWG is charged, inter alia, with coordinating
analysis and recommendations in connection with pursuing the ratification
assessing possibilities of U.S. signature of human rights treaties
we have yet to sign, and with encouraging more effective implementation
of those treaties we have ratified.

- * This EO was enthusiastically
welcomed by NGOs -- received great deal of positive publicity.

- * Among
other things, EO stated that it would be the policy and practice
of the USG to fully respect and implement its obligations under the
human rights treaties to which it is a party.

- * One of those obligations
is promised a more dedicated U.S. effort to provide required reports
to international treaty bodies on U.S. compliance with certain human
rights treaties conventions to which we are party.

- * In fact,
however, we are, literally, years behind in our reports on compliance
with Conventions relating to Race, Torture, and Civil and Political
Rights. [Scott: I thought we just finished one of these, as I remember
it, the Torture Convention.]

- * As a result, we are being criticized
-- by the Hill and the NGOs -- for not delivering on the President's
commitment.

- * I know that there has been discussion at State on
substantially increasing resources in your legal office for this
reporting task; would appreciate your looking into the possibilities.

-----Original

Message-----

From: Sutphen, Mona K. (NSA)

Sent: Friday, November

05, 1999 8:52 AM

To: @ALLNSC - NSC Staff

Subject: ABC Lunch Monday

- Request for Topics [UNCLASSIFIED]

To All -

On Monday, 11/8

Sandy will host Cohen and Talbott for the weekly ABC lunch. Please let me know as soon as possible if you have topics you'd like to have discussed. I'll need points by OOB Monday. Thanks.

Mona

Exchange Mail

DATE-TIME 11/8/99 8:56:56 AM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: ABC Lunch Monday - Request for Topics [UNCLASSIFIED]
TO Sutphen, Mona K. (NSA)

CARBON_COPY Bradtke, Robert A. (EXSEC)
Crocker, Bathsheba N. (NSA)
Dejban, Donna D. (NSA)
Gray, Wendy E. (NSA)
Jacobson, Tracey A. (ADMIN)
Joshi, M. Kay (EXSEC)
Millison, Cathy L. (EXSEC)
Moretz, Sheila K. (NSA)
Rudman, Mara E. (NSA)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)
Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
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Stromseth, Jane E. (MULTI)
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Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)

TEXT_BODY OK. Weds is fine.

-----Original Message-----

From: Sutphen,
Mona K. (NSA)
Sent: Friday, November 05, 1999 6:21 PM
To: Busby,
Scott W. (MULTI)

Cc: @NSA - Natl Security Advisor; @MULTILAT - Multilateral and Humanitarian Affairs; @LEGAL - Legal Advisor
Subject: RE:
ABC Lunch Monday - Request for Topics [UNCLASSIFIED]

sorry. too
late. i would have needed this about 4 hours earlier. i can hold
it for breakfast on wednesday, however. m

-----Original Message-----

From: Busby,
Scott W. (MULTI)
Sent: Friday, November 05, 1999 6:16 PM
To: Sutphen,
Mona K. (NSA)
Cc: @NSA - Natl Security Advisor; @MULTILAT - Multilateral
and Humanitarian Affairs; @LEGAL - Legal Advisor
Subject: RE: ABC
Lunch Monday - Request for Topics [UNCLASSIFIED]

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Subject:
Sustaining President's Commitment on Human Rights Treaty Implementation.

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points (which also explain issue):

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05, 1999 8:52 AM

To: @ALLNSC - NSC Staff

Subject: ABC Lunch Monday

- Request for Topics [UNCLASSIFIED]

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Mona

Exchange Mail

DATE-TIME 11/9/99 11:11:34 AM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: ERIC Read this -- ABC Lunch [UNCLASSIFIED]
TO Schwartz, Eric P. (MULTI)

CARBON_COPY**TEXT_BODY**

E -- Do you think we should pull the plug on this?

-----Original

Message-----

From: Krass, Caroline D. (LEGAL)

Sent: Tuesday,

November 09, 1999 11:09 AM

To: Schwartz, Eric P. (MULTI); Busby,
Scott W. (MULTI); Sutphen, Mona K. (NSA)

Cc: @LEGAL - Legal Advisor

Subject: FW:

ABC Lunch Monday - Request for Topics [UNCLASSIFIED]

Eric/Mona/Scott:

FYI.

State/L has warned, based on conversations with Alex Wolf, that MKA will likely react very negatively if SRB brings up this issue, which she perceives as an internal State question of distribution of resources, particularly in front of Cohen.

As additional background:

State/L requested additional resources and was denied by M due to competing needs.

-----Original Message-----

From: Busby, Scott

W. (MULTI)

Sent: Monday, November 08, 1999 8:57 AM

To: Sutphen,

Mona K. (NSA)

Cc: @NSA - Natl Security Advisor; @MULTILAT - Multilateral
and Humanitarian Affairs; @LEGAL - Legal Advisor

Subject: RE: ABC

Lunch Monday - Request for Topics [UNCLASSIFIED]

OK. Weds is fine.

-----Original Message-----

From: Sutphen, Mona K. (NSA)

Sent: Friday, November 05, 1999 6:21 PM

To: Busby, Scott W. (MULTI)

Cc: @NSA

- Natl Security Advisor; @MULTILAT - Multilateral and Humanitarian Affairs; @LEGAL - Legal Advisor

Subject: RE: ABC Lunch Monday - Request for Topics [UNCLASSIFIED]

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Subject: RE: ABC
Lunch Monday - Request for Topics [UNCLASSIFIED]

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- Request for Topics [UNCLASSIFIED]

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